

CARL LEE CALLEGARI,) No. C 08-2420 MMC (PR)
) Plaintiff,)
) **ORDER SETTING SCHEDULES FOR**
v.) **DISCOVERY AND MOTION FOR**
) **SUMMARY JUDGMENT**
CHARLES D. LEE, M.D., et al.,)
)
Defendants.)

On May 12, 2008, plaintiff, a California prisoner then incarcerated at Salinas Valley State Prison (“SVSP”) and proceeding pro se, filed the above-titled civil rights complaint pursuant to 42 U.S.C. § 1983, claiming deliberate indifference to his serious medical needs by medical officials at SVSP.¹

Most recently, the Court, by order filed January 19, 2011, denied defendants' motion to dismiss the amended complaint for failure to exhaust administrative remedies, denied defendants' alternative motion for summary judgment, and denied without prejudice plaintiff's discovery-related motions. By that same order, the Court directed defendants to inform the Court and plaintiff whether defendants intended to file a new motion for summary judgment or, instead, whether the matter should be referred for settlement proceedings. Defendants have now informed the Court and plaintiff that they will file a new motion for summary judgment. The Court therefore sets the following schedule for discovery and the

¹In April 2010, plaintiff was transferred to Corcoran State Prison, where he currently resides.

United States District Court

For the Northern District of California

1 filing and briefing of defendants' summary judgment motion:

2 1. Within **sixty** days of the date this order is filed, plaintiff and defendants must
3 propound any written discovery requests (e.g., requests for production of documents,
4 interrogatories, and requests for admissions) they wish to make, and, if defendants wish to
5 depose plaintiff, they must take his deposition within such time. No further court order under
6 Federal Rule of Civil Procedure 30(a)(2) or Civil Local Rule 16-1 is required before the
7 parties may conduct discovery.

8 2. All discovery must be completed within **ninety** days of the date this order is filed.
9 Plaintiff is informed that the district court generally is not involved in the discovery process
10 and only becomes involved when there is a dispute between the parties about discovery
11 responses. Discovery requests and responses normally are exchanged between the parties
12 without any copy sent to the court. See Fed. R. Civ. P. 5(d) (listing discovery requests and
13 responses that "must not" be filed with the court until they are used in the proceeding or the
14 court orders otherwise).

15 3. Any motion to compel discovery must be filed and served within **fourteen** days of
16 the date discovery is completed. If a motion to compel is filed, any opposition to such
17 motion must be filed and served no later than **fourteen** days after such motion is filed and
18 any reply in support of such motion must be filed and served no later than **fourteen** days
19 after the opposition is filed. The parties are reminded that before filing any motion to
20 compel they must make a good faith effort to meet and confer to attempt to resolve any
21 discovery dispute, as is required by Civil Local Rule 37-1.

22 4. Defendants' motion for summary judgment must be filed and served within **120**
23 **days** of the date this order is filed.

24 5. Plaintiff's opposition to the motion for summary judgment must be filed and served
25 within **thirty** days of the date plaintiff is served with such motion.

26 //

27 //

28 //

1 6. Defendants shall file a reply brief in support of the motion within **fourteen** days of
2 the date they are served with plaintiff's opposition.

3 IT IS SO ORDERED.

4 DATED: March 4, 2011

5 
6 MAXINE M. CHESNEY
United States District Judge